REMARKS

With regard to the requirement for restriction which is the only point raised in the Official Action, Applicant hereby provisionally elects to prosecute Group I, covering claims 16-25, with traverse, and reserves the right to file a divisional application or to take such other appropriate measures as deemed necessary to protect the invention of Groups II and II.

Applicant believes that the elected apparatus claims 16-25 are so closely related to the non-elected device claims and process claims, that they should remain in the same application to preserve unity of invention. The instant patent application is based on an international PCT application, whereby during the examination of this international patent application, the unity of the invention was not disputed.

In general, unity of the invention between different groups of claims exists if these groups have a single general inventive concept. In those applications which contain a group of claims directed to a process and a group of claims directed to an apparatus, unity exits if the apparatus is specifically designed for carrying out the process with the technical relationship being present between the claimed apparatus and the claimed process (cf. M.P.E.P., Section 1893.03(d), page 1800-121). The fact that the apparatus may be applicable for carrying out another process is immaterial with respect to the question of unity.

In the case at hand, the common special technical feature between the elected product claims, on one hand, and the device and process claims, on the other hand, resides in the non-circular shaping area. In this context, the Examiner's attention is drawn to the M.P.E.P. Appendix AI, relating to the Administrative Instructions under the PCT, and in particular to the Annex B, Part 2, showing examples of unity of invention.

It is believed that the Examiner is trying to draw too fine a line of distinction and that when all the various facts are taken into account, all claims on file should be examined on the merits. Moreover, it is applicant's contention that the Examiner does

not have a serious burden in examining all claims on file in one application and there is no need to insist upon restriction.

Reference is also made to M.P.E.P., Section 821.04, relating to rejoinder of non-elected invention. As noted, the propriety of a restriction requirement should be reconsidered when all the claims directed to the elected invention are in condition for allowance, and the nonelected invention should be considered for rejoinder. Rejoinder involves withdrawal of a restriction requirement between an allowable elected invention and a nonelected invention and examination of the formerly nonelected invention on the merits. In order to be eligible for rejoinder, a claim to a nonelected invention must depend from or otherwise require all the limitations of an allowable claim.

Since applicant has fully and completely responded to the Official Action and has made the required election, this application is now in order for early action on the merits of claims 16-25.

It is noted that each named inventor of the subject matter of the instant application contributed at least to one of the claims, presently on file.

Respectfully submitted,

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